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CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 125

Introduced by Assembly Member Pacheco
(Coauthors: Assembly Members Aguiar, Granlund, and
Thompson)
(Coauthors: Senators Brulte and Haynes)

January 15, 1997

An act to add and repeal Section 18941.8 of the Health and Safety Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

AB 125, as amended, Pacheco. Building standards: closed military bases: County of Riverside.

Existing law authorizes the governing body of a city, county, or city and county to adopt an ordinance that allows a building or other structure located on a military base selected for closure by action of the federal Defense Base Closure and Realignment Commission to comply with specified provisions of state building standards and state standards of fire safety, or to any regulations or standards adopted pursuant to state building standards, in a graduated manner over a period of no

more than 3 years from the earlier of either the date the property has been transferred by, or the date a lease of the building or other structure is entered into with, the federal government, provided that specified conditions are met.

This bill would authorize the governing body of the County of Riverside or a city or joint powers authority within that county with jurisdiction over March Air Force Base, March Air Reserve Base, or the March Joint Powers Authority to adopt an ordinance that allows a building or other structure, as specified, located on the former March Air Force Base to comply with specified provisions establishing state building standards and state standards of fire safety, or to any regulations or standards adopted pursuant to state building standards, in a graduated manner over a period of no more than 7 years from the date the property has been transferred by federal government, provided that specified conditions are met. This provision would be applicable only to a building or other structure for which a local agency adopts a graduated compliance plan, as specified prior to January 1, 2000. The bill would require the local agency to submit its proposed compliance plan to the California Building Standards Commission for review for compliance with these provisions. The commission would be required to review the compliance plan and to recommend changes to the plan if it is inconsistent with these provisions and, following approval of the compliance plan, the commission would be required to determine whether buildings or other structures adhere to the compliance plan. The bill would authorize the commission to contract with the State Fire Marshal, Department of Forestry and Fire Protection, Department of Housing and Community Development, or other state agencies with expertise in building and fire safety codes and standards, to assist it in making its determinations required by these provisions.

This bill would become operative only if AB 1071 is also enacted and becomes operative on or before January 1, 1998, and would repeal its provisions on January 1, 2007.

The California Constitution provides that a local or special statute is invalid in any case if a general statute can be made applicable.



This bill would declare that, due to the unique problems within the County of Riverside, that this bill is intended to remedy, a general statute within the meaning of specified provisions of the California Constitution cannot be made applicable and a special statute is necessary.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 18941.8 is added to the Health
2 and Safety Code, to read:
3 18941.8. (a) The governing body of a local agency
4 may adopt an ordinance that allows a building or other
5 structure designated in subdivision (b) to comply with
6 this part and Division 12 (commencing with Section
7 13000), or to any regulations or standards promulgated
8 pursuant to this part, in a graduated manner over a period
9 of no more than seven years.
10 (b) This section shall apply only to those buildings and
11 other structures located on the former March Air Force
12 Base, commonly known as:
13 (1) The Ben Clark Training Center, formerly known
14 as the Non-Commissioned Officers' Training Academy,
15 *including all buildings and structures on the*
16 *approximately 360 acres.*
17 (2) ~~Building—2990—~~*The buildings comprising the*
18 *medical facility.*
19 (c) The period for graduated compliance shall begin
20 with the date the *title to the* property was transferred by
21 the federal government to a local agency.
22 (d) The authority for a local agency to adopt an
23 ordinance pursuant to this section is an alternative to the
24 authority provided by Section 18941.7, and shall not be
25 used consecutively with Section 18941.7.
26 (e) An ordinance adopted by a local agency pursuant
27 to subdivision (a) shall not apply to a building or other
28 structure that will be used as a permanent residence.

(f) Prior to the adoption of the ordinance pursuant to subdivision (a), each of the following conditions shall be met:

(1) The use of the building or other structure is not hazardous to life safety, fire safety, health, or sanitation, as determined by the application of state and local building and fire codes and standards by the local building official and fire marshal.

~~(2) The use of the building or other structure complies with the requirements for disabled access.~~

~~(3) —~~

(2) The building or other structure has been transferred by the federal government to a local agency.

~~(4) —~~

(3) The governing body of the local agency adopts a graduated compliance plan which includes all of the following:

(A) Requirements for buildings and structures with:

(i) No change in occupancy or use with no anticipated alterations.

(ii) No change in occupancy or use with planned alterations.

(iii) Change in occupancy or use with no anticipated alterations.

(iv) Change in occupancy or use with planned alterations.

(B) Requirements for a building and structure compliance inspection and a fire department inspection, and for preparation of inspection reports, prior to issuing a certificate of occupancy.

(C) Requirements for the inspection reports prepared pursuant to subparagraph (B) to be attached to the certificate of occupancy or provided to the occupants of the building or other structure.

(D) Requirements for the terms and period of time for compliance to be specified in the ~~sublease~~ *certificate of occupancy*.

(E) Requirements that the ~~building or other structure~~ *alterations* conform to the standards that were in effect at the time of the alteration.

1 (g) (1) At least 60 days before the date proposed for
2 the adoption of the graduated compliance plan, the local
3 agency shall send the draft plan to the California Building
4 Standards Commission for its review, comment, and
5 recommendation.

6 (2) Upon receipt of a draft plan, the commission shall
7 review the plan. To perform this review, the commission
8 may contract with the Office of the State Fire Marshal,
9 the Department of Forestry and Fire Protection, the
10 Department of Housing and Community Development,
11 or any other state agency, board, or commission with
12 expertise in building and fire safety codes and standards.
13 The commission also shall solicit public comments from
14 persons and organizations experienced in building and
15 fire safety codes and standards. After soliciting and
16 considering these public comments, the commission shall
17 review the draft plan for its consistency with the
18 requirements of this section. The commission shall report
19 its written findings and its recommendations to the local
20 agency within 45 days of receiving the draft plan. The
21 commission may charge and the local agency shall pay a
22 fee that shall not exceed the commission's costs of
23 complying with this subdivision.

24 (3) The local agency shall consider the
25 recommendations made by the Commission. If the
26 commission's recommendations are not available within
27 the time limits set by this section, the local agency may act
28 without them.

29 (4) If the commission finds that the draft plan is not
30 consistent with the requirements of this section, the
31 commission may recommend changes to the draft plan to
32 achieve the consistency. The commission shall
33 recommend that the local agency approve the draft plan,
34 approve the draft plan after making changes, or not
35 approve the draft plan.

36 (5) If the commission recommends against the
37 approval of the draft plan, the local agency shall not
38 approve the plan. If the commission recommends
39 changes to the draft plan before its approval, the local

1 agency shall not approve the plan unless it makes the
2 changes recommended by the commission.

3 (h) (1) Five years after the beginning of the period
4 for graduated compliance specified in subdivision (b),
5 the California Building Standards Commission shall
6 determine whether the buildings or other structures
7 adhere to the graduated compliance plan. To assist in
8 making this determination, the commission may contract
9 with the Office of the State Fire Marshal, Department of
10 Forestry and Fire Protection, the Department of Housing
11 and Community Development, or any other state agency,
12 board, or commission with expertise in building and fire
13 safety codes and standards. The commission may charge
14 and the local agency shall pay a fee that shall not exceed
15 the commission's costs of complying with this subdivision.

16 (2) If the commission determines that the building or
17 other structure does not adhere to the graduated
18 compliance plan, the local building official shall initiate
19 the appropriate proceedings to withdraw the certificate
20 of occupancy for that building or structure.

21 (i) Nothing in this section affects the requirements of
22 state consent to retrocession pursuant to Section 113 of
23 the Government Code.

24 (j) As used in this section, "local agency" means the
25 County of Riverside, a city within the County of Riverside
26 with jurisdiction over the March Air Force Base or the
27 March Air Reserve Base, or the March Joint Powers
28 Authority.

29 (k) This section shall be applicable to a building or
30 other structure for which a local agency adopts a
31 graduated compliance plan before January 1, 2000.

32 (l) This section shall remain in effect only until
33 January 1, 2007, and as of that date is repealed, unless a
34 later enacted statute, that is enacted before January 1,
35 2007, deletes or extends that date.

36 (m) *Nothing in this section shall affect local, state, or*
37 *federal laws as they relate to access to the disabled.*

38 SEC. 2. This act shall only become operative if AB
39 1071 of the 1997–98 Regular Session is enacted, and
40 becomes operative on or before January 1, 1998.

1 SEC. 3. The Legislature finds and declares that a
2 general statute, within the meaning of Section 16 of
3 Article IV of the California Constitution, cannot be made
4 applicable to the unique problems within the County of
5 Riverside, as set forth in Section 1 of this act, and that,
6 therefore this act is necessary.

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